REMARKS

The Office Action mailed April 20, 2007, was received and its contents carefully reviewed. Claims 1-56 were pending. In the above amendments, Applicants amended independent claims 1, 28, 31, 38, 41-44, 53, and 56 to highlight additional features of the present invention and to add additional context to the claims. The features incorporated in the above amendments are disclosed in the original Specification as published at least in paragraphs [0016-0018, 0025-0039, 0040-0043] and throughout the Specification and in the Figures.

Applicants respectfully submit that no new matter was introduced by these amendments. As now recited, claims 1-56 remain pending and are believed to be in condition for allowance. Applicants respectfully request reconsideration of this application in light of the above amendments and the following remarks.

A.   Response to Arguments

Applicants acknowledge and thank the Examiner for consideration and withdrawal of the previous rejection(s) of claims 1-56 under 35 U.S.C. §§ 102(e) and 103(a).

B.   Claim Rejections Under 35 U.S.C. § 102

Claims 1-4, 8, 13-19, 22, 23, 25, 27-33, 36-51, and 53-55 stand rejected under 35 U.S.C. § 102 as being anticipated by Kalluri et al. United States Patent Number 5,937,331 ("the Kalluri patent"). In view of the amendments above and the comments below, Applicants respectfully request reconsideration and withdrawal of these rejections.

The present invention pertains to a data modification system and method for selective insertion of local meta data into an incoming data stream where the incoming data stream has a video data component and a meta data component. For example, amended independent claim 1 now recites a data modification device including a data modification unit coupled to an incoming data terminal, a local data terminal, and a data distribution terminal, where the data modification unit is adapted to selectively

combine data from the incoming data terminal and the local data terminal in accordance with an instruction set. Amended independent claim 1 further recites a data stripper for extracting meta data parameters from a data signal where the extracted parameters include a priority level parameter, a geographical region parameter where the processor operates, and a unique processor component identification parameter. In addition, the data modification device recited in amended independent claim 1 includes an evaluator for comparing the extracted meta data parameters to one or more predetermined local meta data parameter values tailored to a local market and an inserter for inserting one or more of the predetermined local meta data parameter values into the data signal based on the evaluator comparison.

While the Kalluri patent discloses a protocol and system for transmitting triggers from a remote network and for controlling interactive program content at a broadcast station, the Kalluri patent fails to disclose all the features of amended independent claims 1, 28, 31, 38, 41-44, 53, and 56. For example, the Kalluri patent discloses transmitting a television signal and an original interactive command to control an interactive program (see col. 3, lines 28-32 and 42-48) using a broadcast station with an interactive program source that detects whether an interactive command is an original or a repeated command. The source performs the repeated command if it did not already perform it when the command was originally sent (see col. 3, lines 53-65). The Kalluri patent addresses transmission errors and provides a manner of catching missed transmission commands by using repeated commands. By repeating trigger commands, the broadcast station may recover from situations where an original command is not received or is otherwise corrupted. See col. 5, lines 35-37. However, the Kalluri patent does not disclose a data stripper for extracting meta data parameters from a data signal where the extracted parameters include a priority level parameter, a geographical region parameter where the processor operates, and a unique processor component identification parameter.

The system of the Kalluri patent includes a trigger extraction unit that extracts the trigger, but the Kalluri patent does not disclose that extracted parameters include a priority level parameter, a geographical region parameter where the processor

operates, and a unique processor component identification parameter. In the Kalluri patent, the extracted trigger is provided to a program source to control the loading or playing of the interactive program associated with the trigger (see col. 5, lines 47-50), but there is no disclosure of extracted parameters that include a priority level parameter, a geographical region parameter indicative of where the processor operates, and a unique processor component identification parameter as recited in amended independent claim 1. These extracted parameters of the present invention are used by the evaluator recited in claim 1 as a basis for comparison of one or more predetermined local meta data parameter values tailored to a local market. That is, the extracted parameters are evaluated and compared to predetermined local meta data parameters to determine which parameters are ultimately included in the data signal.

In contrast, the Kalluri patent describes a number of trigger commands in Figures 2-6 and the accompanying text, yet none of the illustrated commands in the Kalluri patent are extracted parameters that include a priority level parameter, a geographical region parameter indicative of where the processor operates, and a unique processor component identification parameter as recited in amended independent claim 1.

As illustrated above in amended independent claim 1 and similarly in independent claims 28, 31, 38, 41-44, and 53, Applicants amended the independent claims in the present application to include features not disclosed in the Kalluri patent. Namely, the cited reference fails to disclose extracted parameters that include a priority level parameter, a geographical region parameter indicative of where the processor operates, and a unique processor component identification parameter as recited in the amended independent claims. As such, Applicants respectfully submit that the Kalluri patent hereby fails to anticipate independent claims 1, 28, 31, 38, 41-44, and 53 under 35 U.S.C. § 102 and that these claims are in proper condition for allowance. Applicants respectfully request the reconsideration of amended independent claims 1, 28, 31, 38, 41-44, and 53 and the withdrawal of the rejection under 35 U.S.C. § 102.

Dependent claims 2-4, 8, 13-19, 22, 23, 25, and 27 depend upon amended independent claim 1. Dependent claims 29 and 30 ultimately depend upon amended independent claim 28. Dependent claims 32, 33, 36, and 37 depend upon amended independent claim 31. Dependent claims 39 and 40 depend upon amended independent claim 38. Dependent claims 45-52 depend upon amended independent claim 44, and dependent claims 54 and 55 depend upon amended independent claim 53. These dependent claims thereby include all the limitations of amended independent claims 1, 28, 31, 38, 44, and 53 respectively, while reciting additional features of the present invention. As noted above, Applicants amended independent claims 1, 28, 31, 38, 44, and 53 to include limitations not disclosed by the Kalluri patent. Accordingly, with the dependency of claims 2-4, 8, 13-19, 22, 23, 25, and 27 upon amended independent claim 1, claims 29 and 30 dependent upon amended independent claim 28, claims 32, 33, 36, and 37 on amended independent claim 31, claims 39 and 40 on amended independent claim 38, claims 45-52 on amended independent claim 44, and claims 54 and 55 on amended independent claim 53, the Kalluri patent fails to disclose all of the features recited in these dependent claims as well. Applicant respectfully submits that the Kalluri patent hereby fails to anticipate claims 2-4, 8, 13-19, 22, 23, 25, 27, 29, 30, 32, 33, 36, 37, 39, 40, 45-52, 54, and 55 under 35 U.S.C. § 102 and that these claims are likewise in proper condition for allowance. Applicants respectfully request the reconsideration of claims 2-4, 8, 13-19, 22, 23, 25, 27, 29, 30, 32, 33, 36, 37, 39, 40, 45-52, 54, and 55 and the withdrawal of the rejection under 35 U.S.C. § 102.

C.   Claim Rejections Under 35 U.S.C. § 103

1. <u>The Combination of the Kalluri Patent and Official Notice Fails to Disclose All the Limitations of Claims 5-7, 9-12, 20, 21, 24, 26, 34, 35, and 52</u>

Claims 5-7, 9-12, 20, 21, 24, 26, 34, 35, and 52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Kalluri et al. United States Patent Number 5,937,331 ("the Kalluri patent") and Official Notice of a number of facts. In view of the amendments above and the comments below, Applicants

respectfully request reconsideration and withdrawal of these rejections under 35 U.S.C. § 103(a).

Dependent claims 5-7, 9-12, 20, 21, 24, and 26 depend upon amended independent claim 1. Dependent claims 34 and 35 ultimately depend upon amended independent claim 31. Dependent claim 52 ultimately depends upon amended independent claim 44. These dependent claims thereby include all the limitations of amended independent claims 1, 31, and 44 respectively, while reciting additional features of the present invention. As noted above, Applicants amended independent claims 1, 31, and 44 to include limitations not disclosed by the Kalluri patent. Namely, the Kalluri patent does not disclose extracted parameters that include a priority level parameter, a geographical region parameter indicative of where the processor operates, and a unique processor component identification parameter as recited in the amended independent claims.

With regard to claims 5-7, the Examiner takes Official Notice of adapting a data terminal of a broadcast headend to receive a data signal conforming to a number of different standard protocols (e.g., TCP-IP, ATVEF, DOCSIS). However, this Official Notice does not remedy the deficiencies of the Kalluri patent in disclosing all the limitations of the amended independent claim 1 as outlined above. Accordingly, with the dependency of claims 5-7 upon amended independent claim 1, the combination of the Kalluri patent and the Official Notice fails to disclose or suggest all of the features recited in these dependent claims as well. Applicants respectfully submit that the combination of the Kalluri patent and the Official Notice fails to render claims 5-7 unpatentable under 35 U.S.C. § 103(a) and that these claims are likewise in proper condition for allowance. Applicants respectfully request the reconsideration of claims 5-7 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

With regard to claims 9-12, the Examiner takes Official Notice of broadcast sources using a number of different formats (e.g., MPEG-2, HDTV, DVD, DBS). However, this Official Notice does not remedy the deficiencies of the Kalluri patent in disclosing all the limitations of the amended independent claim 1 as outlined above.

Accordingly, with the dependency of claims 9-12 upon amended independent claim 1, the combination of the Kalluri patent and the Official Notice fails to disclose or suggest all of the features recited in these dependent claims as well. Applicants respectfully submit that the combination of the Kalluri patent and the Official Notice fails to render claims 9-12 unpatentable under 35 U.S.C. § 103(a) and that these claims are likewise in proper condition for allowance. Applicants respectfully request the reconsideration of claims 9-12 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

With regard to claims 20, 21, 34, and 35, the Examiner takes Official Notice of processors using a number of different formats (e.g., reprogrammable devices and ASIC). However, this Official Notice does not remedy the deficiencies of the Kalluri patent in disclosing all the limitations of the amended independent claim 1 and amended independent claim 31 as outlined above. Accordingly, with the dependency of claims 20 and 21 upon amended independent claim 1, and claims 34 and 35 upon amended independent claim 31, respectively, the combination of the Kalluri patent and the Official Notice fails to disclose or suggest all of the features recited in these dependent claims as well. Applicants respectfully submit that the combination of the Kalluri patent and the Official Notice fails to render claims 20, 21, 34, and 35 unpatentable under 35 U.S.C. § 103(a) and that these claims are likewise in proper condition for allowance. Applicants respectfully request the reconsideration of claims 20, 21, 34, and 35 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

With regard to claims 24 and 26, the Examiner takes Official Notice of processors using a number of different receivers (e.g., HDTV-enabled, DVD-enabled). However, this Official Notice does not remedy the deficiencies of the Kalluri patent in disclosing all the limitations of the amended independent claim 1 as outlined above. Accordingly, with the dependency of claims 24 and 26 upon amended independent claim 1, the combination of the Kalluri patent and the Official Notice fails to disclose or suggest all of the features recited in these dependent claims as well. Applicants respectfully submit that the combination of the Kalluri patent and the Official Notice fails to render claims 24 and 26 unpatentable under 35 U.S.C. § 103(a) and that these

claims are likewise in proper condition for allowance. Applicants respectfully request the reconsideration of claims 24 and 26 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

With regard to claim 52, the Examiner takes Official Notice of the fact that it is well known in the art to define enhanced television content according to an ATVEF specification, for the benefit of ensuring compatibility with ATVEF devices. However, this Official Notice does not remedy the deficiencies of the Kalluri patent in disclosing all the limitations of the amended independent claim 44 as outlined above. Additionally, Applicants also amended intervening claim 51 to highlight additional features with regard to the extracted parameters. With respect, the Kalluri patent fails to disclose these newly amended features as well. Accordingly, with the dependency of claim 52 ultimately upon amended independent claim 44, the combination of the Kalluri patent and the Official Notice fails to disclose or suggest all of the features recited in this dependent claim as well. Applicants respectfully submit that the combination of the Kalluri patent and the Official Notice hereby fails to render claim 52 unpatentable under 35 U.S.C. § 103(a) and that this claim is likewise in proper condition for allowance. Applicants respectfully request the reconsideration of claim 52 and the withdrawal of the rejection under 35 U.S.C. § 103(a).

> 2.   The Combination of the Kalluri Patent and the Zigmond Patent Fails to Disclose All the Limitations of Amended Independent Claim 56.

Claim 56 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Kalluri et al. United States Patent Number 5,937,331 ("the Kalluri patent") in view of Zigmond et al. United States Patent Number 6,400,407 ("the Zigmond patent"). In view of the amendments above and the comments below, Applicants respectfully request reconsideration and withdrawal of this rejection under 35 U.S.C. § 103(a).

As discussed above, the present invention pertains to a data modification system and method for selective insertion of local meta data into an incoming data stream where the incoming data stream has a video data component and a meta data

component. Applicant amended independent system claim 56 above to recite additional structural features not disclosed in the cited prior art. For example, amended independent claim 56 now recites a system for controlling a display of enhanced television content for a first group of viewers including a first distribution point with a first broadcast signal receiver for receiving a broadcast signal comprising a video component and a first meta data component, the first meta data component comprising triggers. Amended claim 56 further recites that the first distribution point includes a first local meta data center for storing first local meta data of particular relevancy to a second group of viewers that includes the first group of viewers. The first distribution point, as recited in amended claim 56, also includes a first data stripper for extracting first meta data parameters from the first meta data component where the extracted parameters include a priority level parameter, a geographical region parameter where the second group of viewers is located, and a unique processor component identification parameter.

Amended system claim 56 further recites that the first distribution point includes a first processor component coupled to the first broadcast signal receiver for comparing the first extracted meta data parameters to one or more predetermined first local meta data parameter values to determine whether to make an insertion of the first local meta data into the broadcast signal as well as a second processor component coupled to the first local meta data center for selecting the first local meta data in response to a signal from the first processor component to make the insertion of first local meta data.

Claim 56 also recites a first inserter coupled to the second processor component for receiving the first local meta data, and further coupled to the first broadcast signal receiver for inserting the first local meta data into the broadcast signal to obtain a first modified broadcast signal and a first transmitter coupled to the first inserter for broadcasting the first modified broadcast signal.

Amended claim 56 also recites a second distribution point including a second broadcast signal receiver for receiving the first modified broadcast signal from the

first transmitter, the first modified broadcast signal comprising the video component and the first local meta data component.

Claim 56 also recites a second local meta data center for storing second local meta data of particular relevancy to the first group of viewers as well as a second data stripper for extracting second meta data parameters from the first meta data component where the extracted parameters include a priority level parameter, a geographical region parameter where the first group of viewers is located, and a unique processor identification parameter. Further, claim 56 recites a third processor component coupled to the second broadcast signal receiver for comparing the second extracted parameters to one or more predetermined second local meta data parameter values to determine whether to make an insertion of the second local meta data into the broadcast signal as well as a fourth processor component coupled to the second local meta data center for selecting the second local meta data in response to a signal from the third processor component to make the insertion of second local meta data.

Claim 56 further recites a second inserter coupled to the second processor component for receiving the second local meta data, and further coupled to the second broadcast signal receiver for inserting the second local meta data into the first modified broadcast signal to obtain a second modified broadcast signal and a second transmitter coupled to the second inserter for broadcasting the second modified broadcast signal to the first group of viewers.

While the Kalluri patent discloses a protocol and system for transmitting triggers from a remote network and for controlling interactive program content at a broadcast station, the Kalluri patent fails to disclose all the features of amended independent claim 56. The Examiner concedes that the Kalluri patent does not disclose subsequent distribution links, including a second distribution point as recited in claim 56, but the Kalluri patent does not disclose or suggest other features recited in amended claim 56 as well. To wit, the Kalluri patent fails to disclose or suggest a first data stripper for extracting first meta data parameters from the first meta data component where the extracted parameters include a priority level parameter, a geographical region parameter where the second group of viewers is located, and a

unique processor component identification parameter. Similarly, the Kalluri patent fails to disclose or suggest a second data stripper for extracting second meta data parameters from the first meta data component where the extracted parameters include a priority level parameter, a geographical region parameter where the first group of viewers is located, and a unique processor component identification parameter.

As discussed above with regard to claim 1, the system of the Kalluri patent includes a trigger extraction unit that extracts the trigger, but the Kalluri patent does not disclose that extracted parameters include a priority level parameter, a geographical region parameter where the groups of viewers are located, and a unique processor component identification parameter. In the Kalluri patent, the extracted trigger is provided to a program source to control the loading or playing of the interactive program associated with the trigger (see col. 5, lines 47-50), but there is no disclosure of extracted parameters that include a priority level parameter, a geographical region parameter indicative of where the groups of viewers are located, and a unique processor component identification parameter as recited in amended independent claim 56. These extracted parameters of the present invention are used by the first processor component recited in claim 56 as a basis for comparison of one or more predetermined first local meta data parameter values. That is, the extracted parameters are evaluated and compared to predetermined first local meta data parameters to determine which parameters are included in the data signal that is passed to the second distribution point. There is no disclosure or suggestion of extracted parameters that include a priority level parameter, a geographical region parameter where the second group of viewers is located, and a unique processor component identification parameter as recited in amended independent claim 56 of the present application.

The Examiner cites the Zigmond patent and asserts that the broadcaster affiliate and cable provider disclosed in the Zigmond patent discloses a first and second distribution point for an enhanced television broadcast system. However, the Zigmond patent cited by the Examiner fails to cure the deficiencies of the Kalluri patent in disclosing all elements of amended independent claim 56 in that there is no

disclosure or suggestion in the Zigmond patent of extracted parameters that include a priority level parameter, a geographical region parameter where the second group of viewers is located, and a unique processor component identification parameter. Likewise, the Zigmond patent fails to disclose or suggest a second data stripper for extracting second meta data parameters from the first meta data component where the extracted parameters include a priority level parameter, a geographical region parameter where the first group of viewers is located, and a unique processor component identification parameter.

As such, Applicant respectfully submits that the Kalluri patent and the Zigmond patent, either alone or in combination, fails to disclose or suggest all of the features of amended independent claim 56 and thereby fails to render amended independent claim 56 obvious under 35 U.S.C. § 103(a). As such, Applicants respectfully submit that amended claim 56 is allowable over the cited references and request reconsideration of amended independent claim 56 and withdrawal of the rejection under 35 U.S.C. § 103(a).

D. Conclusion

Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of record and allow claims 1-56 in the present application to issue. If the Examiner believes that a conference would be beneficial in expediting the prosecution of the present application, Applicant invites the Examiner to telephone counsel to arrange such a conference.

Respectfully submitted,

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